

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FABIAN VAKSMAN,

Plaintiff,

v.

MICHAEL W. WYNNE,

Defendant.

No. CV-07-225-FVS

ORDER DENYING MOTIONS

THIS MATTER comes before the Court for consideration of several motions filed by Mr. Vaksman.

IT IS HEREBY ORDERED:

1. Mr. Vaksman's motion to update the record (**Ct. Rec. 26**) is granted to the limited extent that it adds an argument not contained in his original memorandum.

2. Mr. Vaksman's motion to incorporate (**Ct. Rec. 29**) is denied because the article he is offering in support of his summary judgment motion is irrelevant.

3. Mr. Vaksman's motion for default judgment (**Ct. Rec. 32**) is denied. Pursuant to Federal Rule of Civil Procedure 12(a)(3), the government has 60 days in which to file an answer. Assuming, for purposes of argument, that the defendant was properly served with process on September 24, 2007, the defendant has until at least November 23, 2007, in which to file an answer.

1 4. Mr. Vaksman's argument that the defendant has failed to file a
2 timely response to his summary judgment motion and, thus, he is
3 entitled to judgment as a matter of law (**Ct. Rec. 36**) is denied. The
4 defendant may have 45 days after the deadline for filing an answer in
5 which to respond to Mr. Vaksman's motion for summary judgment.

6 5. Mr. Vaksman is not to submit any further evidence in support
7 of his summary judgment motion or file any other motions until after
8 January 7, 2008.

9 **IT IS SO ORDERED.** The District Court Executive is hereby
10 directed to enter this order and furnish a copy to the plaintiff and
11 the United States Attorney for the Eastern District of Washington.

12 **DATED** this 7th day of November, 2007.

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14 s/ Fred Van Sickle
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16 Fred Van Sickle
17 United States District Judge
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